

GUIDELINES FOR OBTAINING A ZONING VARIANCE

The following steps are to be taken when applying for a zoning VARIANCE. The pages attached are SAMPLES and are for informational purposes only. The wording will need to be changed to fit the petitioner's particular situation. It is the petitioner's responsibility to complete all the appropriate forms and give proper public notice. You should consult Section 21-112.2 of the Revised Code of Ordinances of the City of Mt. Vernon, Illinois.

1. At the time filing, the following original TYPED OR LEGIBLY PRINTED forms must be filed with the City Clerk's Office:
 - A. Zoning Variance Form
 - B. Variance Application Form Supplement
 - C. Public Notice – (Strict compliance with paragraph 2 below is required).
 - D. Plot Plan of proposed Variance (This can be presented at the Zoning and Planning Commission Meeting, but application must be designated "Drawing to be presented at Zoning and Planning Commission Meeting")

A \$25.00 FILING FEE MUST BE PAID AT THE TIME OF FILING. The completed forms must be filed with the City Clerk not less than 15 days or more than 30 days before the date of the Zoning and Planning Commission Meeting date, contact the City of Mt. Vernon Zoning and Planning Administrator at 242-6807; the regular meeting date for the Zoning and Planning Commission is the second Monday of each month at 7:00 p.m. at City Hall, 1100 Main Street, Mt. Vernon. *NOTE DATE IS SUBJECT TO CHANGE.

FAILURE TO STRICTLY COMPLY WITH THE FOLLOWING NOTICE REQUIREMENTS WILL VOID THE NOTICE.

2. Public Notice shall be given not less than 15 or more than 30 days in advance of the public hearing. The petitioner, his agent, or attorney, shall cause such notice to be given in each of the following ways:
 - A. Unless the owner is the applicant, the owner of the property for which the variance is sought or his agent shall be notified by mail as to the time, date and place of public hearing;

- B. Notice of such hearing indicating the date, time and place, legal description of the property for which the variance is sought, and the common street address and nature of the proposed variance shall be published in a newspaper of general circulation within Mt. Vernon, Illinois;
- C. Notice of such hearing indicating the date, time, and place, legal description of the property for which the variance is sought, and the common street address and nature of the proposed variance shall be posted at City Hall and in a prominent place on the property for which the variance is sought;
- D. The Notice required herein to be posted upon the property shall be posted as follows:
1. The basic form of notice shall be furnished by the City, shall be a metal or other permanent sign with the main panel there of being not less than 18 inches by 24 inches in bold black or other conspicuous color. Such sign shall remain the property of the City. The petitioner shall pay to the City a deposit of \$50.00 which shall be refunded after the hearing and after the petitioner shall return the metal sign to the City. In the event that the petitioner shall not return the metal sign within (10) days of action by the City Council, then the deposit shall be forfeited to the City of Mt. Vernon.
 2. The notice shall be the legend, "Proposed Zoning Change and/or Conditional Use – This Property" and also shall have printed thereon the words "For Information Phone 618/242-5000". The notice shall further have affixed thereto a copy of the notice which is published which shall be typed and shall further have a plastic cover to protect such notice from the weather.
 3. The notice shall be posted so as to be conspicuous and visible from the road or street nearest the principle structure on the property and if there is no structure, then from the principle road or street adjacent thereto. If the lot is a corner lot or through lot as defined by the Zoning Ordinance of the City of Mt. Vernon, then such notice shall be posted on each side of the lot facing the street or road. In no event shall the noticed be posted more than 10 feet or less than 5 feet from each such street or road.

- E. Proof that each of the notices required herein has been given shall be provided by the petitioner by delivering an authentic certificate of publication of the notice published in a newspaper of general circulation and by providing a verified certificate of posting and certificate of mailing as to the other notices required herein to the City.
 - F. Each notice shall use both the zoning classification by number and the common designation for describing the current zoning and also the relief requested.
3. The following papers should be taken to the Zoning and Planning Commission Meeting:
- A. Three copies of the Order Granting a Variance.
 - B. Certification of Publication from the Legal Notice in the newspaper.
 - C. Certificate of Posting.
 - D. Certificate of Mailing. (If Applicable)
 - E. Plot Plan, unless filed with City Clerk.

THESE STEPS ARE GIVEN TO PETITIONERS AS A GUIDELINE ONLY IN ORDER TO HELP INDIVIDUALS FILL OUT THE NECESSARY FORMS.

THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR MISTAKES OR ERRORS.

Information pertaining to the zoning classification of property and set-back requirements may be obtained from the City Building and Zoning Department at City Hall, 1100 Main Street, Mt. Vernon, Illinois, or by calling 242-6830.

If Petitioner is required to file additional or amended documents, an additional \$25.00 filing fee may be required, which fee must be paid at the time of filing the additional or amended documents.

FILE NO.

City of Mt. Vernon, Illinois
ZONING APPLICATION FORM

Please type, attach additional sheets if necessary

I - GENERAL DATA REQUIRED		
Name of Applicant	Address	Telephone
Street Address or Location of Property		Area <input type="checkbox"/> Sq. Ft. <input type="checkbox"/> Acres
Legal Description of Property (if more space is required, attach copy)		
Existing Use of Property (if more than one parcel, indicate use of each)		Present Zoning

II - TYPE OF APPLICATION		
X Indicate type of application(s) filed		
<input type="checkbox"/> VARIANCE	<input type="checkbox"/> AMENDMENT	<input type="checkbox"/> TEXT
<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> ZONING MAP	<input type="checkbox"/> CONDITIONAL SIGN USE
<input type="checkbox"/> PLANNED UNIT DEVELOPMENT (CONDITIONAL USE)		

III - AUTHORIZATION		
Name (please type)	Address	Signature
All signatories represent that they have full legal capacity to, and hereby do, authorize the filing of this application		

IV - CERTIFICATION		
I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.		
Name _____	Signed _____	
Address _____	Telephone _____	
Person to contact regarding matters pertaining to this application if other than myself:		
Name _____	Telephone _____	
Address _____		

V - FOR STAFF USE ONLY			
Received and Reviewed by: _____		Date: _____	
Date Application Received	Date of Notice	Date of Public Hearing	Fee Receipt Number
Soil and Water Conservation District Notification:		Final Action:	By: <input type="checkbox"/> Board of Appeals
Date of Notice _____		<input type="checkbox"/> Approved	<input type="checkbox"/> Planning Commission
		<input type="checkbox"/> Disapproved	<input type="checkbox"/> City Council
Date Comments Received _____		Ordinance # _____ Date _____ (if Amendment, Conditional Use, or Conditional Sign)	

VARIANCE APPLICATION FORM SUPPLEMENT

Prior to completing this form, refer to Section 21-112 of the Zoning Ordinance for Mt. Vernon.

1. TYPE OF VARIANCE REQUESTED

From Section(s).....of the Zoning Ordinance Description of Variance Requested (Example: Front yard setback, reduction from 35 ft. to 28 ft.)

2. JUSTIFICATION OF VARIANCE

Applicant should demonstrate that the proposed variance conforms to each of the following requirements: (Be complete since it will help determine whether sufficient justification is present to permit the Zoning and Planning Commission to grant the variance.)

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands, structures, or buildings in the same district.

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

3. ADDITIONAL DATA REQUIRED

Plot Plan must accompany application showing location of lot or parcel, property dimensions, location of existing and proposed structures and nearest public streets or roads.

PUBLIC NOTICE

Public Notice is hereby given that a hearing will be held before the Zoning and Planning Commission of the City of Mt. Vernon, Illinois, upon the following proposition:

A proposed variance of the rules, regulations and provisions of Article 21 of the Revised Code of Ordinances (the Zoning Code) of the City of Mt. Vernon, Illinois, so that

_____ may be constructed on the following described property to-wit: **(INSERT LEGAL DESCRIPTION)**

The Common street address of property is: _____

And that Section of 21-300 of said Ordinance may be varied so as to permit the following:
(EXPLAIN VARIANCE REQUESTED SUCH AS MINIMUM YARD WIDTH OF _____ FEET RATHER THAN _____ FEET AS REQUIRED BY SAID ORDINANCE)

The hearing will be held on _____ at 7:00 p.m. at City Hall, 1100 Main Street, Mt. Vernon, Illinois, at which time and place all persons interested may appear and be heard in the manner provided by law and the Zoning Ordinance of the City of Mt. Vernon, Illinois.

Zoning and Planning Commission
City of Mt. Vernon, Illinois

INSTRUCTIONS

RETYPE WITH YOUR INFORMATION and have six (6) copies of the Public Notice ready at the City Clerk's Office.

- 1. Original filed with application in the City Clerk's Office.**
- 2. Post copy on bulletin board at City Hall.**
- 3. Post copy in a prominent place on the property.**
- 4. Publish copy in local newspaper (Register News).**
- 5. Mail copy to Owner.**

CERTIFICATE OF POSTING

I do hereby certify that I did post a copy of the attached Notice of Public Hearing as follows:

1. Upon the City Hall bulletin board, Mt. Vernon, Illinois on the _____ day of _____, 20__.

2. Upon the property described within the Notice on the _____ day of _____, 20__.

The Notice posted upon the property was posted on the sign provided by the City of Mt. Vernon, Illinois, and the sign was placed upon the property so as to be conspicuous and visible from each principal road or street adjacent thereto and was placed not more than ten feet (10') nor less than five feet (5') from such street or road.

Signature of Petitioner

Subscribed and sworn to before me on _____, 20__.

Notary Public

INSTRUCTIONS

1. Attach copy of Public Notice to this Certificate of Posting.
2. Insert date of posting within Certificate.
3. Sign Certificate and have your signature notarized.
4. File original Certificate with Notice attached at City Clerk's Office and take copy of Certificate of Posting to Zoning and Planning Commission meeting.

CERTIFICATE OF MAILING

I do hereby certify that I did mail a true copy of the attached "Notice of Public Hearing" upon all of the owners of the property described within said Notice; said Notice was mailed on _____, 20__ by enclosing the Notice in a properly addressed postage paid envelope addressed as follows:

Name

Address

Signature

Subscribed and sworn to before me on the ____ day of _____, 20__.

Notary Public

- INSTRUCTIONS**
1. Attach copy of Notice of Public Hearing to this Certificate of Mailing.
 2. Insert date of mailing within Certificate.
 3. Sign certificate and have your signature notarized.
 4. File original Certificate with Notice attached at the City Clerk's Office and take a copy of Certificate of Mailing to Zoning and Planning Commission meeting.

ORDER GRANTING VARIANCE

IT IS THEREFOR ORDERED by the Zoning and Planning Commission of the City of Mt. Vernon, Illinois, that a Variance of the rules, regulations, and provisions of the Zoning Ordinance of the City of Mt. Vernon, Illinois, be, and the same is hereby granted to the Petitioner in accordance with the prayer contained within the Application so that a _____ may be constructed upon the following described property to wit:

(INSERT LEGAL DESCRIPTION WITH PIN)

The common street address of property is: _____

And that the Schedule of District regulations, Section 21-300 shall be and the same is hereby varied so as to permit the following:

The foregoing Order is adopted, approved and ordered by a majority vote of all the members of the Zoning and Planning Commission of the City of Mt. Vernon.

Dated: _____

Planning and Zoning Commission
City of Mt. Vernon, Illinois

Chairman

Attest:

Secretary